



George W. Bush Presidential Library and Museum

2943 SMU Boulevard
Dallas, Texas 75205

March 11, 2019

JPat Brown
DEPT MR 26614
411A Highland Ave.
Somerville, MA 02144

Dear Mr. Brown:

This letter is in further response to your Freedom of Information Act (FOIA) request dated August 13, 2018 for access to George W. Bush Presidential records pertaining to Justice Kavanaugh. FOIA requests for Bush Presidential records are processed and reviewed for access under provisions of the 1978 Presidential Records Act, as amended (PRA) (44 U.S.C. §§ 2201-2209), which incorporates the Freedom of Information Act (5 U.S.C. § 552) in substantial part.

We have completed processing approximately 70,464 pages and 42,049 electronic files of Bush Presidential records related to emails from Brett Kavanaugh, Brett Kavanaugh's White House Counsel's Office Subject Files, and records related to Brett Kavanaugh's service in the White House Counsel's Office from the White House Office of Records Management. The specific material you requested may be a subset of these records. Of this total, 24,352 pages and 23,273 electronic files have been exempted from release in whole or part in compliance with the restrictions of the PRA and applicable FOIA exemptions, which specify what material may be released to the public. The 24,352 pages and 23,273 electronic files restricted from access, in whole or in part, are listed along with the exemption categories below. Some pages and/or electronic files may be restricted under more than one category.

P1/(b)(1) - 447 pages
P2 - 4,098 pages and 4,351 electronic files
P3/(b)(3) - 1,716 pages and 146 electronic files; statutes 2 USC 437g(a)(12)(A); 2 USC 437g(a)(4)(b); 5 USC 2302; 10 USC 130b; 10 USC 424; 49 CFR Part 1520; 50 USC 403g, Section 6; 50 USC 3507; 50 USC 3605; and Rule 6(e), Federal Rules of Criminal Procedure
P4/(b)(4) - 13 pages and 1 electronic file
P5 - 16,916 pages and 19,232 electronic files
P6/(b)(6) - 9,462 pages and 5,752 electronic files
(b)(7)(c) - 135 pages and 53 electronic files
(b)(7)(e) - 96 pages and 36 electronic files
(b)(7)(f) - 184 pages and 498 electronic files
PRM - 631 pages and 2,430 electronic files

A list of the PRA restrictions and FOIA exemptions, as well as a copy of the finding aid that describes the processed material is attached.

At this time, you have the right to file an administrative appeal of any George W. Bush Presidential records responsive to your FOIA request that have been withheld under a restriction category of the PRA, 44 U.S.C. §2204(a), with the exception noted below. The appeal must be submitted in writing to the Director, George W. Bush Library and Museum, 2943 SMU Boulevard, Dallas, TX 75205. You should also include a copy of your original request and our denial. Both your appeal letter and the envelope should be clearly marked "PRA/FOIA Appeal." You have 90 calendar days from the date of this letter to file your appeal.

You also have the right to file an administrative appeal of any George W. Bush Presidential records responsive to your FOIA request that have been withheld under an exemption category of the FOIA, 5 U.S.C. §552(b) but have not been withheld under a restriction category of the PRA, 44 U.S.C. §2204(a). To appeal a FOIA exemption, the appeal must be submitted in writing to the attention of the Deputy Archivist of the United States, c/o the George W. Bush Library and Museum, 2943 SMU Boulevard, Dallas, TX 75205. You should also include a copy of your original request and our denial. Both your appeal letter and the envelope should be clearly marked "FOIA Appeal." You have 90 calendar days from the date of this letter to file your appeal. The Library will coordinate your appeal with the appropriate authority.

Since these are Presidential records administered in accordance with 44 U.S.C. §§2201-2209, NARA must notify the former and incumbent Presidents prior to the release of any information in response to these appeals. Once an appeal determination is made and the notification period has passed, we will contact you.

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our FOIA Public Liaison John Laster for assistance at: Presidential Materials Division, National Archives and Records Administration, 700 Pennsylvania Avenue, NW, Room G-7, Washington, DC 20408-0001; email at libraries.foia.liaison@nara.gov; telephone at 202-357-5200; or facsimile at 202-357-5941.

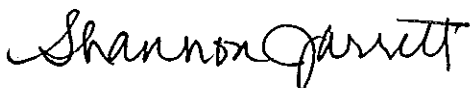
If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Please note that 447 pages of material responsive to your request have been withheld pursuant to PRA restriction P1 and FOIA exemption (b)(1), (national security classified information). In order to facilitate our ability to more quickly seek a declassification review for those specific documents that are of interest to you, we are no longer referring all classified documents processed in response to your FOIA request to the originating and/or equity agencies for a current classification review. Based on the information provided on our withdrawal sheets, you can request under your existing FOIA or through the mandatory declassification review provisions of Executive Order 13526 a declassification review of those specific documents of interest to you.

The remaining pages are open for research. Due to the high public interest in these requests, responsive records are posted on our website as they become available; accordingly, no fees are required.

If you wish to order copies or need any further assistance, please contact our staff at 214-346-1557 or gwbush.library@nara.gov. Your FOIA case log number is 2018-0268-F. Please have this number accessible for reference during any future contact concerning this case.

Sincerely,



SHANNON JARRETT
Supervisory Archivist
George W. Bush Library and Museum

SJ: MAC